IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.5788 of 1998
Date of Decision: 20.09.2006

Harbhajan Singh & Ors. ...Petitioners

Vs.

Niranjan Singh & Ors. ...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.B.R.Mahajan, Advocate,
for the petitioners.
Mr.P.L.Singla, Advocate,
for the respondents.

Vinod K.Sharma, J. (Oral)

By way of present revision petition challenge is to the order dated 30.11.1998 passed by the learned Civil Judge (Junior Division), Amritsar dismissing the application moved by petitioners for taking photographs by Handwriting Expert for comparison of the thumb impressions of Ram Kaur on the Will dated 23.12.1980 with her thumb impressions on power of attorney dated 16.8.1979.

The application moved by the petitioners was dismissed by the learned Trial Court by holding that both the documents on which alleged thumb impressions of Ram Kaur were said to be in existence were disputed documents and therefore, no comparison of the said documents can be allowed. Learned Trial Court came to the conclusion that the signatures or thumb impressions can only be allowed to be compared with the admitted signatures or thumb impressions.

Mr. B.R.Mahajan, learned counsel for the petitioners contended that in the present case the petitioners merely moved an application for permitting the Handwriting Expert to take photographs of the thumb impressions of Smt. Ram Kaur on these two documents and therefore, it was not open to the learned Trial Court to have rejected the said application.

Mr. P.L.Singla, learned counsel for the respondents on the other hand relied upon the judgment of Hon'ble Madras High Court reported as **Marappa Gounder Vs. Kandasamy 2003 (1) RCR (Civil) 337** to contend that comparison of signatures on documents can be made only with the admitted signatures and that too with the document that existed prior to the filing of the suit. Thus, the contention of the learned counsel for the respondents was that no fault could be found with the order passed by the learned Trial Court.

I have considered the arguments raised by the learned counsel for the petitioners and find that once both the documents were disputed, there was no occasion for the petitioners to get the same compared through Handwriting Expert. Mere fact that the petitioners sought permission to get the thumb impressions photographed would not change the position of law as ultimate result would be that the thumb impressions of two disputed documents were sought to be compared.

Therefore, there is no illegality in the order passed by the learned Trial Court which may call for interference by this Court in exercise of revisional jurisdiction.

Dismissed.

(Vinod K.Sharma)
Judge

20.09.2006
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